

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal Nos. 08-485; 08-601
	:	
ANGEL ROBERTO SERRANO, JR.	:	
a/k/a "Fly,"	:	
ANGELA M. SERRANO	:	
LISA M. SERRANO	:	

GOVERNMENT’S PRETRIAL MEMORANDUM

The United States of America, by its attorneys, Laurie Magid, United States Attorney for the Eastern District of Pennsylvania, and Mark S. Miller, Assistant United States Attorney, submit the following pretrial memorandum.

I. Nature of the Case

On January 4, 2007, in the area of Andrew Street and Beaver Street, in the City of Lancaster, Pennsylvania, seven year-old Brianna Pratt was shot and seriously injured. Three men, including defendant Angel Roberto Serrano, Jr., were eventually charged in state court for their respective roles in the shooting incident. On November 14, 2008, defendant Angel Roberto Serrano, Jr., was convicted of criminal conspiracy at criminal homicide, criminal conspiracy at aggravated assault, and two counts of recklessly endangering another person, following a jury trial in the Court of Common Pleas of Lancaster County.

On or about February 6, 2007, a federal grand jury began hearing evidence concerning the Pratt shooting, in an effort to determine whether the shooting involved violations of federal law. During the pendency of the grand jury proceedings, numerous witnesses, including defendants Angela M. Serrano and Lisa M. Serrano, were called to testify concerning their knowledge of the

events surrounding the shooting incident, and the actions of the three men involved, after the shooting had occurred.

As a result of her testimony before the grand jury, and the testimony of other witnesses, defendant Angela M. Serrano was indicted along with her brother, defendant Angel Serrano, for conspiracy to suborn perjury and tamper with a witness, and tampering with a witness (5 counts) and aiding and abetting, with respect to witness Brittany Walter. Additionally, defendant Angela M. Serrano was indicted along with her sister, defendant Lisa M. Serrano, for conspiracy to suborn perjury and tamper with a witness, subornation of perjury, and tampering with a witness, with respect to witness Glenn Kramer, the stepfather of the three defendants. Defendants Angela M. Serrano and Lisa M. Serrano were also charged with conspiracy to commit perjury before the federal grand jury, as well as a total of eight (four each) substantive counts of perjury before the federal grand jury. The substantive perjury counts focused on, *inter alia*, when the defendants first became aware of the shooting incident, and how; how defendant Angel Serrano paid for his trip to the state of Florida following the shooting incident; defendant Angel Serrano's parole and home plan status on the date of and following the shooting; exactly when defendants Angela M. Serrano and Lisa M. Serrano first discussed the shooting incident with Angel Roberto Serrano, Jr.

II. Potential Witnesses

A. Civilian Witnesses

1. Brittany Walter

It is anticipated that Brittany Walter will testify that she was in her car with defendant Angel Serrano on the day he left for Florida, and overheard Angel tell another girl that the

shooting had been an accident. Walter will further testify that on the day he left for Florida, Angel was looking for money, and she remembers him contacting his stepfather for this purpose. Within a week of getting to Florida, Angel Serrano contacted Walter asking for money. Walter will testify that on the day Angel left for Florida, Walter had not yet met defendant Angela Serrano. Walter will testify that in March, 2007, Angel Serrano contacted her from jail in Florida, and told her that he was not involved in the shooting, because the shooting was the same day as his uncle's funeral, and that Walter should remember that day because she and Angel "hung out" that day. Walter will testify that Angel Serrano never told her about an uncle, and particularly about an uncle who had died, or a funeral, prior to then.

Brittany Walter will identify and testify concerning various letters which were written to her by Angel Serrano, some of which Angel mailed to defendant Angela Serrano with express instructions to show them to Walter and let her read portions of them. Walter will testify that one such letter provided specific times and specific places that Walter was supposed to say that she and Angel Serrano had been together on the date of the shooting. Walter will testify that those times and places were not true. Walter will testify that she gave Detective Michael Winters and Detective Lieutenant Kent Switzer of the City of Lancaster Police Department consent to take letters from her that had been written to her by Angel Serrano, so that they could be used as evidence

Brittany Walter will testify that Angela Serrano got her a job at DHL, and that Angela would frequently speak with her about the shooting case, repeatedly telling Walter that Angel Serrano was not involved in the shooting. Walter will testify that Angela Serrano went so far as to tell her that she had been in the vicinity of the shooting when it happened, and had seen the

two men responsible, and that neither of them was her brother Angel. Walter will further testify that Angela Serrano told her that her brother Angel could not have been involved in the shooting because he was babysitting her sister Lisa's son and daughter during their uncle's funeral.

Finally, Brittany Walter will testify that she lied when she originally spoke with the police, and when she first testified before the grand jury, in an effort to protect and help Angel Serrano. She will further testify that she perpetuated her untruthful story when interviewed by Michael Marinaro, Esquire, Angel Serrano's state court trial counsel.

2. Theresa Punchios

It is anticipated that Theresa Punchios will testify that she was with defendant Angel Serrano and his state court co-defendant, Brandon McPherson, both immediately before and immediately after the shooting incident. She will further testify that defendant Angel Serrano made statements following the shooting about going "faraway," and about concerns that he had because he did not have any crack cocaine to sell to finance his flight from Pennsylvania. Punchios will testify that while sitting at a bus station in York, Pennsylvania, a few days after the shooting, she encountered defendant Angel Serrano, who had just gotten off a bus from Lancaster. Serrano was carrying a suitcase at the time, and told her he was on his way to Texas.

3. Nicole Fedoruk

It is anticipated that Nicole Fedoruk will testify that sometime after Christmas, 2006, defendant Angela Serrano contacted her about defendant Angel Serrano coming to see her in Florida, and that Fedoruk told defendant Angela Serrano that she thought this was a bad idea, only to have Angela Serrano tell her that Angel Serrano was already on his way down to Florida. Fedoruk had previously told Angel Serrano that it was a bad idea for him to come down to

Florida. Angela Serrano told Fedoruk that she had paid for Angel Serrano to take the bus, and Angela Serrano told Fedoruk to pick up Angel Serrano at the bus station.

Nicole Fedoruk will further testify that while he was staying with her in Florida, Angel Serrano admitted to her that he was involved in the shooting incident. Serrano told Fedoruk that he had been fighting with people who had told him to get off of the block, and that he and whoever he was with started shooting. Serrano told Fedoruk that he had shot two guys and a little girl.

4. Glenn Kramer

It is anticipated that Glenn Kramer will testify that on the day of the shooting incident, his stepson Angel Serrano was supposed to attend Kramer's brother's funeral, however, Serrano never showed up. On Sunday, two days after the shooting incident, Angel Serrano stopped by Kramer's house unannounced, wanting to borrow money from him. Kramer's stepdaughter, defendant Angela Serrano, was with Angel at that time. At that time Angel Serrano told Kramer and his girlfriend, Tara Ortiz, that "the heat was on," and that he had to get out of town for awhile. Angel Serrano stated that he needed \$60 for bus fare to get out of town. Kramer told Angel that he did not have the money to give him. Kramer will testify that Angela Serrano told him that she had bought socks and underwear for Angel, but that Angel needed money for the bus. Kramer told Angel that he would get into trouble with his parole officer, to which Angel replied that the heat was on, and that he had "to get out of Dodge." Angela Serrano was present for this entire conversation.

Glenn Kramer will testify that after Angel Serrano had been arrested in Florida, Kramer had a conversation with Angela Serrano, during which Angela stated that Angel was there at the

time of the shooting, but that he did not pull the trigger. After Angel had been arrested in Florida, Angela and Lisa Serrano came over to Kramer's house together, and told Kramer that Angel admitted to having a gun at the time of the shooting, but that he denied pulling the trigger. Angel also admitted to Kramer on four or five separate occasions that he had present at the time of the shooting. Around the time that Angel was brought back to Lancaster following his arrest in Florida, Angela and Lisa Serrano told Kramer that Angel had admitted firing a gun at the time of the shooting.

Glenn Kramer will testify that Angela and Lisa both told him that Angel Serrano and "B-More" (state court defendant Brandon McPherson) were partners selling drugs, and that both of them would sell drugs out of Lisa Serrano's house on Marion Street.

Glenn Kramer will testify that while the three of them were driving together to Philadelphia for Kramer's grand jury appearance on February 6, 2008, Angela and Lisa Serrano both told Kramer before he testified that there were certain things to say and not to say in the grand jury. Angela and Lisa Serrano both told Kramer that they wanted "to watch what we say, so we don't incriminate Angel...and don't want to say anything that's going to get him convicted or hurt his chances of having a fair trial." Kramer will further testify that both Angela and Lisa Serrano told him not to say anything about Angel being there at the time of the shooting, having a gun, or firing the gun. Additionally, both Angela and Lisa Serrano told Kramer that they were not going to talk about giving money to Angel to leave town, and told Kramer, "Don't tell nobody that we gave him money to get out of town."

Glenn Kramer will testify that on the Saturday or Sunday after his brother's funeral (and the day of the shooting), Lisa Serrano told him that Angela Serrano was keeping the gun that

Angel Serrano had, and that Angel had given the gun to Angela on either Friday night or Saturday. Lisa Serrano was concerned about Angela Serrano having the gun because Lisa Serrano was worried that the gun was involved in the shooting of the little girl. Lisa Serrano later told Kramer that Angel had gotten the gun back from Angela on Saturday, and that Angel had thrown the gun in the Susquehanna River.

5. Tara Ortiz

It is anticipated that Tara Ortiz will testify that Angel and Angela Serrano came to Glenn Kramer's house on the Sunday after the funeral, and that Angel asked Kramer for money for clothing. Angel told Kramer and Ortiz that he had to leave Pennsylvania, and that he had to "Get out of Dodge." After Kramer told Angel that he did not have any money to give him, Angela Serrano stated that she was giving Angel some money, but that it was not going to be enough.

Tara Ortiz will testify that one day when she was babysitting for Lisa Serrano, in speaking about Angel, Lisa stated, "He was on Beaver Street....That was why he ran." Lisa further told Ortiz that Angel had been with a group of guys. When Ortiz asked Lisa how it was that she knew Angel was there, Lisa replied, "I can't tell you."

6. Lillian Torres

It is anticipated that Lillian Torres will testify that she is the mother of Noel Rivera, who is the father of Lisa Serrano's two children, and that she frequently babysat for the children from the Fall of 2006 through May, 2007. Torres will testify that Lisa Serrano came to her house a day or two after the shooting, and was crying. Lisa Serrano told Torres that her brother Angel had admitted to her that he had shot the little girl, and that the shooting was an accident. Angel also told Lisa that his black friend was involved in the shooting with Angel. Lisa told Torres that

she had to take Angel shopping for clothes, and then take him to leave town, because they were going to send him to Florida. Lisa told Torres that Angel had no money, and that she, her sister Angela, and her stepfather were contributing money for Angel's clothes. Lisa told Torres that she, Angela and their stepfather all donated money to send Angel to Florida, and that it was Angela who was mostly paying for Angel to go to Florida, because she had more money. Lisa told Torres they were sending Angel to the house of their "long lost father in Florida."

7. Jill Nail

It is anticipated that Jill Nail will testify concerning letters Angel Serrano has written to her, and conversations she has had with him. Ms. Nail will further testify that she consented to turn over letters that Angel Serrano had written to her, to the City of Lancaster Police Department, and she will authenticate the letters in court.

8. Custodian of Records: Verizon (re 717-481-4882 Angela Serrano)

9. Custodian of Records: (re 717-299-1973 Brittany Walter home)

10. Custodian of Records: (re 717-468-5165 Brittany Walter cell)

B. Law Enforcement/Corrections Witnesses

1. Detective Michael Winters

City of Lancaster Police Department Detective Michael Winters will testify that he interviewed defendant Angela M. Serrano on January 29, 2008, and that during this interview Ms. Serrano told him that her brother, defendant Angel Serrano, was with Brittany Walters (sic) on the date of the shooting. Detective Winters will further testify that defendant Angela Serrano told him that she first heard about the shooting of the little girl when Angel Serrano called her collect from jail in Florida, and that Angel Serrano traveled to Florida because he wanted to see

“Nicole,” an old girlfriend.

Detective Winters will testify concerning his February 19, 2007 interview of defendant Angel Serrano at the Hillsborough County Jail in Tampa, Florida, during which Serrano stated that he had taken a Greyhound bus to get to Florida. Detective Winters will further testify concerning statements made by defendant Angel Serrano, including: his denial that he was anywhere near the scene of the shooting because he had been attending his uncle’s funeral at the time; his denial that he ever stayed at the Super 8 Motel in Lancaster; and his denial with respect to his having any nicknames or knowing anyone named “Fly.”

Detective Winters will read portions of several of the letters which were written by Angel Serrano to Brittany Walter and Angela Serrano. Detective Winters will also testify concerning his preparation and execution of a search warrant for letters from Angel Serrano to Glenn Kramer and/or Tara Ortiz, at 31 W. Liberty Street, Lancaster, Pennsylvania.

2. Detective Lieutenant Kent Switzer

It is anticipated that City of Lancaster Police Department Detective Lieutenant Kent Switzer will testify concerning his obtaining the consent of Brittany Walter to turn over to the police letters that had been written to her by Angel Serrano, and he will authenticate the letters in court.

3. Detective Joseph Hockley

It is anticipated that Lancaster County Detective Bureau Detective Joseph Hockley will testify concerning his acquisition of tape recorded prison calls from the Lancaster County Prison, as well as call logs, visitor lists and other documents concerning Angel Serrano. Detective Hockley will testify concerning the established protocol for the taping of inmate calls, including

inmate PIN system, notice provided to each inmate, and the dissemination of call tapes and records to law enforcement officials. Detective Hockley will also testify concerning his downloading of the prison calls on to compact disks, and he will authenticate the disks in court.

4. Lancaster County Prison Witness

Absent a stipulation, an as yet unidentified representative of Lancaster County Prison will testify concerning the call taping system at the prison, including inmate PIN system and notice to inmates.

5. ATF Special Agent Frederick Rossetti

Absent a stipulation, Special Agent Frederick Rossetti of the Bureau of Alcohol, Tobacco, Firearms and Explosives, will testify concerning the execution of a search warrant at 806 N. Ann Street, the home of Angela Serrano, and the recovery of various letters written by defendant Angel Serrano to Angela Serrano, and letters written to Brittany Walter. Special Agent Rossetti will also authenticate the letters in court. (ATF Special Agents Charles Bowman and Neil Zubaty may also be called as witnesses to testify concerning the assistance they provided to Special Agent Rossetti with respect to the search warrant.

6. State Parole Agent Bahilya McFadden

It is anticipated that Pennsylvania State Parole Agent Bahilya McFadden will testify concerning defendant Angel Serrano's parole status at the time of the shooting incident, his violation of the conditions of his parole supervision, his unauthorized travel to the State of Florida, and the fact that she had issued an arrest warrant for him for failure to report, and other violations.

C. Court Witnesses

1. Court Reporter Joyce A. Wise

Absent a stipulation, it is anticipated that Court reporter Joyce A. Wise will testify that she was the court reporter for the state court suppression testimony of defendant Angel Roberto Serrano, Jr. on July 14, 2008, and the state court trial testimony of defendant Angel Roberto Serrano, Jr. on November 12, 2008, and that Angel Serrano swore or affirmed an oath to tell the truth, prior to his testimony. Ms. Wise will further testify that she transcribed the notes of testimony for the trial session and certified them. Ms. Wise will also authenticate the original notes of testimony for Angel Roberto Serrano, Jr. in court.

2. Court Reporter Deborah Millian-Zullo

Absent a stipulation, it is anticipated that Court reporter Deborah Millian-Zullo will testify that she was the court reporter for the federal grand jury testimony of defendant Angela M. Serrano on February 12, 2008, and defendant Lisa M. Serrano on February 5, 2008, and that each defendant swore an oath to tell the truth prior to her testimony. Ms. Millian-Zullo will further testify that she transcribed the notes of testimony for each grand jury session and certified them. Ms. Millian-Zullo will also authenticate the original notes of testimony for Angela M. Serrano and Lisa M. Serrano in court.

3. Testimony Reader Witness(es)

An as yet unidentified witness or witnesses will be called for the purpose of reading into the trial record portions of the grand jury testimony of defendants Angela M. Serrano and Lisa M. Serrano.

III. Potential Exhibit List

[Counsel have not yet had the opportunity to discuss the preparation of a unified set of trial exhibits.]

A. Grand Jury Transcripts

1.	Nicole Bell	02-20-07
2.	Nichole Fedoruk	07-24-07
3.	Robin Glover	01-22-08
4.	Glenn Kramer	02-05-08
5.	Glenn Kramer	09-02-08
6.	Tiona McNeil	01-15-08
7.	Brent Murrey	12-04-07
8.	Tara Ortiz	03-18-08
9.	Tara Ortiz	09-02-08
10.	Sheena Owens	02-06-07
11.	Sheena Owens	07-31-07
12.	Terry Patterson	06-12-07
13.	Theresa Punchios	03-06-07
14.	Vinyette Robertson	03-04-08
15.	Tanya Sbei	04-24-07
16.	Angel Serrano, Sr.	04-08-08
17.	Angela Serrano	02-12-08
18.	Lisa Serrano	02-05-08

19.	Det. Lt. Kent Switzer	04-24-07
20.	Det. Lt. Kent Switzer	05-01-07
21.	Latoya Thomas	02-20-07
22.	Lillian Torres	08-26-08
23.	Edward Walker	07-29-08
24.	Brittany Walter	02-19-08
25.	Brittany Walter	06-10-08
26.	Det. Michael Winters	12-11-07
27.	Det. Michael Winters	02-19-08
28.	Det. Michael Winters	08-05-08
29.	Det. Michael Winters	08-19-08
30.	Det. Michael Winters	09-30-08

B. State Court Transcripts

1.	<u>Preliminary Hearing</u>	
a.	Angel Serrano	01-02-08
2.	<u>Pretrial Hearing</u>	
a.	Angel Serrano	07-14-08
3.	<u>Trial</u>	
a.	N.O.T. Day #1	11-03-08
b.	N.O.T. Day #2:	11-04-08
c.	N.O.T. Day #3:	11-05-08
d.	N.O.T. Day #4:	11-06-08

e.	N.O.T. Day #5:	11-07-08
f.	N.O.T. Day #6:	11-10-08
g.	N.O.T. Day #7:	11-11-08
h.	N.O.T. Day #8:	11-12-08
i.	N.O.T. Day #9:	11-13-08
j.	N.O.T. Day #10:	11-14-08

C. Witness Statements/Reports of Interviews

1.	Nichole Fedoruk	02-19-07
2.	Nichole Fedoruk	02-20-07
3.	Nichole Fedoruk	10-29-08
4.	Nichole Fedoruk	10-31-08
5.	Glenn Kramer #1	01-29-08
6.	Glenn Kramer #2	08-15-08
7.	Glenn Kramer #3	08-27-08
8.	Jill Nail	09-11-08
9.	Tara Ortiz #1	03-10-08
10.	Tara Ortiz #2	03-18-08
11.	Tara Ortiz #3	08-15-08
12.	Tara Ortiz #4	08-27-08
13.	Theresa Punchios	02-10-07
14.	Theresa Punchios	03-05-07
15.	Theresa Punchios	07-31-08

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|-----|--------------------|----------|
| 16. | Angel Serrano, Sr. | 02-20-07 |
| 17. | Angel Serrano, Sr. | 04-02-08 |
| 18. | Lillian Torres | 08-16-08 |
| 19. | Edward Walker | 07-19-08 |
| 20. | Brittany Walter #1 | 02-15-08 |
| 21. | Brittany Walter #2 | 05-23-08 |
| 22. | Brittany Walter #3 | 05-23-08 |
| 23. | Brittany Walter #4 | 06-10-08 |
| 24. | Brittany Walter #5 | 08-14-08 |

D. Defendant Statements/Reports of Interviews

- | | | |
|----|-----------------------------|----------|
| 1. | Miranda Form: Angel Serrano | 02-19-07 |
| 2. | Angel Serrano | 02-19-07 |
| 2. | Angela Serrano | 01-29-07 |
| 3. | Lisa Serrano | 01-29-08 |

E. Letters From Angel Serrano to Brittany Walter

- | | |
|----|-----------------|
| 1. | April 4/6, 2007 |
| 2. | June 7, 2007 |
| 3. | June 12, 2007 |
| 4. | July 3, 2007 |
| 5. | July 12, 2007 |
| 6. | July 24, 2007 |
| 7. | July 26, 2007 |

8. July 27, 2007
9. August 7, 2007 (#1)
10. August 7, 2007 (#2)
11. August 15, 2007
12. August 20, 2007
13. August 23, 2007
14. August 27, 2007
15. August 31, 2007
16. September 4, 2007
17. September 5, 2007
18. September 19, 2007
19. September 28, 2007
20. October 5, 2007
21. October 7, 2007
22. October 10, 2007 (also addressed to Angela Serrano)
23. October 15, 2007
24. October 18, 2007
25. October 26, 2007
26. October 31, 2007
27. November 5, 2007
28. November 8, 2007
29. November 13, 2007

- 30. November 16, 2007
- 31. December 10, 2007
- 32. December 12, 2007
- 33. December 13, 2007
- 34. December 24, 2007
- 35. December 31, 2007
- 36. January 4, 2008
- 37. January 9, 2008
- 38. January 14, 2008
- 39. January 18, 2008
- 40. January 22, 2008
- 41. January 28, 2008
- 42. February 19, 2008
- 43. February 26, 2008
- 44. March 10, 2008
- 45. March 17, 2008
- 46. March 24, 2008
- 47. March 27, 2008
- 48. April 7, 2008
- 49. April 11, 2008
- 50. April 25, 2008
- 51. Undated

F. Letters From Angel Serrano to Angela Serrano

- _____ 1. _____ April 26, 2007
2. May 29, 2007
3. June 7, 2007
4. June 15, 2007
5. July 2, 2007
6. July 17, 2007
7. August 7, 2007
8. September 1, 2007
9. October 10, 2007
10. October 26, 2007
11. January 7, 2008
12. January 14, 2008
13. February 21, 2008
14. February 26, 2008
15. March 11, 2008
16. March 19, 2008
17. March 31, 2008
18. May 19, 2008
19. May 24, 2008
20. June 5, 2008
21. July 2, 2008

G. Letters From Angel Serrano to Glenn Kramer

1. April 5, 2008
2. May 19, 2008

H. Letters From Angela Serrano to Angel Serrano

1. February 26, 2007
2. March 15, 2007

I. Letters From Angel Serrano to Jill Nail

J. Telephone Tapes & Transcripts: Angel Serrano & Brittany Walter

- | | | | |
|----|----------|----------|----------------|
| 1. | Disk #4 | Track #2 | (717) 299-1973 |
| 2. | Disk #4 | Track #5 | (717) 299-1973 |
| 3. | Disk #9 | Track #1 | (717) 468-5165 |
| 1. | Disk #16 | Track #3 | (717) 468-5165 |
| 2. | Disk #16 | Track #4 | (717) 468-5165 |

K. Telephone Tapes & Transcripts: Angel Serrano & Angela Serrano

- | | | | |
|----|---------|----------|----------------|
| 1. | Disk #4 | Track #1 | (717) 481-4882 |
| 2. | Disk #4 | Track #5 | (717) 299-1973 |
| 3. | Disk #5 | Track #1 | (717) 481-4882 |
| 4. | Disk #5 | Track #2 | (717) 481-4882 |
| 5. | Disk #5 | Track #4 | (717) 481-4882 |
| 6. | Disk #5 | Track #5 | (717) 481-4882 |
| 7. | Disk #5 | Track #7 | (717) 481-4882 |
| 8. | Disk #7 | Track #3 | (717) 481-4882 |

9. Disk #11 Track #2 (717) 481-4882

10. Disk #11 Track #3 (717) 481-4882

L. Telephone Tapes & Transcripts: Angel Serrano & Tara Ortiz

M. Search Warrants

1. 31 W. Liberty Street, Lancaster, Pennsylvania

2. 806 N. Ann Street, Lancaster, Pennsylvania

N. Criminal Histories/RAP Sheets

1. Defendants

a. Angel Roberto Serrano, Jr.

b. Angela Serrano

c. Lisa M. Serrano

2. Witnesses

a. Nicole Fedoruk

b. Glenn Kramer

c. Jill Nail

d. Tara Ortiz

e. Theresa Punchios

f. Lillian Torres

g. Brittany Walter

I. Miscellaneous

1. Specific To Angel Serrano

a. Western Union Records:

1. Brittany Walter to Florida
2. Angela Serrano to Nicole Fedoruk

IV. Motions

- A. Starks Motion:** To be filed separately.
- B. Motion In Limine:** With respect to Rule 404(b) evidence, to be filed separately.

Respectfully submitted,

MARK S. MILLER
Assistant United States Attorney

Date: May 5, 2009

CERTIFICATE OF SERVICE

_____ I certify that on this day I caused a copy of the Government's Pretrial Memorandum to be served via electronic filing and first class United States mail addressed to:

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MARK S. MILLER
Assistant United States Attorney

Date: May 5, 2009

*, Prison Call Tapes: Angel Serrano and Jill Nail

